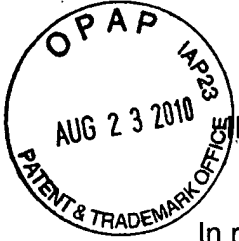


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APPEAL BRIEF
Ser. No. 10/581,815



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE
BOARD OF PATENT APPEALS AND INTERFERENCES**

In re Application of: Dirk Gandolph et al.

Serial No.: 10/581,815

Confirmation No.: 1952

Filed: June 02, 2006

For: **METHOD FOR GENERATING AN
INTERACTIVE MENU**

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Group Art Unit: 3687

Examiner: Vanel Frenel

MAIL STOP APPEAL BRIEF - PATENTS
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APPEAL BRIEF

Dear Sir:

Appellant submits this Appeal Brief to the Board of Patent Appeals and Interferences on appeal from the decision of the Examiner of Group Art Unit 3687 dated January 22, 2010, finally rejecting claims 1-6, 9.

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Ser. No. 10/581,815

Real Party in Interest

The real party in interest is Thomson Licensing.

Related Appeals and Interferences

Appellant asserts that no other appeals or interferences are known to the Appellant, the Appellant's legal representative, or assignee which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

Status of Claims

Claims 1-10 were originally presented with the filed application. Claims 11 and 12 were added and claims 7-8 and 10 were cancelled in a Preliminary Amendment dated June 02, 2006. In addition, claims 13 and 14 were added in an amendment dated October 16, 2008. The Appellant's claims 1-6, 9 and 11-14 stand finally rejected under 35 U.S.C. § 103(a) as being unpatentable over Gordon et al. (2002/0013944, hereinafter "Gordon") in view of Dinallo et al. (U.S. Patent No. 5,929,857, hereinafter "Dinallo").

The claims on appeal are the Appellant's claims 1-6, 9 and 11-14, which are listed in the attached Claims Appendix.

Status of Amendments

A Preliminary Amendment was filed on June 02, 2006 amending claims 1, 3-6 and 9, cancelling claims 7-8 and 10 and adding claims 11-12.

A first response was filed on October 26, 2008 to overcome a First Office Action dated July 28, 2008. In the First Office Action, the Examiner rejected the Appellant's claims 1 and 12 under 35 U.S.C. § 112 second paragraph and claims 1-6, 9 and 11-12 under 35 U.S.C. § 101. The Examiner further rejected the Appellant's claims 1-6, 9 and 11-12 under 35 U.S.C. § 102(b) as being anticipated by Gordon et al. (2002/0013944, hereinafter "Gordon"). In the response filed on October 26, 2008, the Appellant amended claims 1-6, 9 and 11-12, added claims 13 and 14 and set forth arguments traversing the rejections issued by the Examiner and distinguishing the Appellant's invention over the cited prior art.

The Examiner responded to the Appellant's response of October 26, 2008 with a Final Office Action dated January 06, 2009. In the Final Office Action, the Examiner rejected the Appellant's claims 1-6, 9 and 11-14 under 35 U.S.C. § 103(a) as being unpatentable over Gordon in view of Dinallo et al. (5,929,857, hereinafter "Dinallo").

In response to the Final Office Action dated January 06, 2009, the Appellant submitted an after-final response dated March 30, 2009. In the after-final response, the Appellant amended claims 1, 6 and 12 and set forth arguments traversing the rejections issued by the Examiner and distinguishing the Appellant's invention over the cited prior art.

The Examiner responded to the Appellant's response of March 30, 2009 with an Advisory Action dated April 14, 2009. In the Advisory Action, the Examiner indicated that the response dated March 30, 2009 will not be entered because it raises new issues that require further consideration and search. In response to the Advisory Action dated April 14, 2009, the Appellant submitted an RCE dated May 06, 2009 and requested that the response of March 30, 2009 be entered and fully considered.

The Examiner responded to the Appellant's RCE of May 06, 2009 with an Office Action dated May 27, 2009. In the Office Action, the Examiner rejected the Appellant's claims 1-6, 9 and 11-14 under 35 U.S.C. § 103(a) as being unpatentable

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over Gordon in view of Dinallo. In response to the Office Action dated May 27, 2009, the Appellant submitted a Response dated October 13, 2009. In the Response, the Appellant set forth arguments traversing the rejections issued by the Examiner and distinguishing the Appellant's invention over the cited prior art.

The Examiner responded to the Appellant's response of October 13, 2009 with a Final Office Action dated January 22, 2010. In the Final Office Action, the Examiner again rejected the Appellant's claims 1-6, 9 and 11-14 under 35 U.S.C. § 103(a) as being unpatentable over Gordon in view of Dinallo. In response to the Final Office Action dated January 22, 2010, the Appellant submitted an after-final response dated April 22, 2010. In the after-final response, the Appellant set forth arguments traversing the rejections issued by the Examiner and distinguishing the Appellant's invention over the cited prior art.

The Examiner responded to the Appellant's response of April 22, 2010 with an Advisory Action dated May 11, 2010. In the Advisory Action, the Examiner indicated that the response dated April 22, 2010 does NOT place the application in condition for allowance because all arguments fail to be persuasive. In response to the Advisory Action dated May 11, 2010, the Appellant submitted a Notice of Appeal dated June 22, 2010.

Summary of Claimed Subject Matter

Embodiments of the Appellant's invention provide a method and apparatus for generating an interactive electronic menu on a display, the menu including menu buttons, where a menu button may be in a deselected, selected or activated state, and the menu being coded into a menu data segment. In one embodiment, a data segment having encoded therein at least graphic data for a first and a second menu button and data connecting the first and the second menu button by a parent-child relationship is retrieved, where the second menu button is a child of the first menu button and can only be selected while the first menu button is selected and where at least one button command is associated to the first menu button and coded into the menu data segment, the button command being usable for modifying a visibility of at least the second menu button. In addition, the interactive menu on a display is generated, where at least the first menu button but not the second menu button is displayed and, upon selection of the first menu button and execution of the button command, the interactive menu is modified such that the first and the second menu button are displayed simultaneously.

As suggested in MPEP 1206, the Appellant now reads at least two of the broadest appealed claims on the specification and on the drawings. It should be understood, however, that the appealed claims may read on other portions of the specification or other figures that are not listed below.

The Appellant's Specification specifically refers to Fig. 1 for teaching how a graphic child button is used to provide button help text to the user. That is, the five parts (i)-(v) of Fig.1 depict the relationship and different views of the interactive menu in accordance with embodiments of the invention. The Appellant teaches that Fig.1(i) shows the different positions a,b,c,d of menu buttons, and the position of help text. The other parts (ii)-(v) of Fig.1 show the menu with one button being selected, including the possible navigation transitions between the different buttons. In the exemplary application of Fig. 1, only the parent buttons are selectable, while the child buttons are never navigated to, because they serve as help text only. When one of the parent buttons is selected, the respective child button is rendered into the screen, and therefore displayed. The Appellant teaches that in Fig. 1, the fourth parent button has a transparent child button. When the fourth parent button is

selected, no child button is visible, because its invisible child button erases all previously rendered child buttons.

The Appellant refers to Table 1 for teaching neighbourhood relationship in detail. For each possible state of the menu, the possible actions are defined. The Appellant teaches that, for example, the first column of Tab.1 means that when the first parent button on position a is selected and the “upper” or the “lower” button on the remote control (RC) is pressed, then the first parent button remains selected. When the RC’s “left” button is pressed however, the fourth parent button is selected, and when pressing the RC’s “right” button, the second parent button is selected. The Appellant refers to columns 2, 4, 6 and 8 for teaching that the child buttons on position e have a self-referencing neighbourhood relation, for example, no other button points to them, and they point to themselves. The Appellant further teaches that any rendered button supersedes and erases all other buttons rendered before on the same position and refers to Fig.1(v) for showing the erasure of the previously displayed help text. The Appellant teaches that this is achieved by rendering a transparent child button image into the location e, which makes any other child button image invisible.

The Appellant teaches that in a second embodiment, a graphic child button is used to generate a multiple level hierarchy with two generations of dependencies. The first-generation graphic child buttons are parents of a second-generation graphic child buttons. In other embodiments, the Appellant teaches that these may be parents of further generation child buttons. In this manner a breadcrumb menu can be realized, because the way for navigating back can be displayed.

The Appellant points to the seven parts of Fig.2 for teaching the relationships and different views of an interactive breadcrumb menu. That is, the possible positions of the buttons are shown in Fig.2(i). Fig.2(ii)-Fig.2(vii) show the situation when a parent button or/and a child button are selected, including the possible navigation transitions. That is, the Appellant teaches that the first-generation child buttons are parent buttons for the second-generation child buttons. The second-generation child buttons are only rendered into the screen when a corresponding parent button of the first-generation child buttons is in the “selected” state. In Fig.2(ii), the first parent button is selected, and therefore its child buttons have been rendered into the screen. The Appellant teaches that the child buttons however are

invisible and erase any previously shown button in these locations. The Appellant further teaches that if in this case the visible first child button 1.1 is selected, as shown in Fig.2(iv), the two respective second-generation child buttons appear on positions e and f, and can be navigated. If otherwise the second child button is selected, as shown in Fig.2(v), two other second-generation child buttons are rendered and can be navigated. The Appellant teaches that in Fig.2(iii), the second parent button is selected and its child buttons have been rendered into the screen. The Appellant then teaches that the child buttons 2.3 and 2.4 are invisible and erase any previously shown button in these locations.

The Appellant then refers to Tab.2 for teaching a neighbourhood relationship for the breadcrumb menu application example of the invention. The Appellant teaches that the first-generation child buttons have their own second-generation child buttons, and all second-generation child buttons are visible except for button 2.2.2 that is isolated and cannot be navigated to, as also shown in Fig.2(vii). This is also an invisible button, like the first-generation child buttons which cannot be navigated to either. The Appellant teaches that the signalling for a hierarchical parent-child relationship can be implemented easily by a single link mechanism. The link is pointing from a graphic child button object to its graphic parent button object only. The opposite link can also be given, but is not necessarily mandatory. The Appellant teaches that in one embodiment, a link field is introduced that designates the parent button object by means of a unique ID within the graphic composition.

The Appellant then refers to Tab.3 for teaching such link field **parent_button_number** within a graphic button object. The Appellant teaches that if the parent button number is referencing to itself, for example, when it carries its own button_number, it is not a graphic child button and has to be rendered into the screen from the beginning.

The Appellant then refers to Tab.5 for teaching the syntax of an exemplary graphic_composition segment for the composition of menu buttons. The Appellant teaches that it can be used for example as an "interactive composition segment" for BD-ROM. Such graphic composition segment holds neighbourhood information, button state display information for the different states of a button, and button command information. The Appellant teaches that additional fields allow indicating the hierarchical parent child relationship and the masked button application. In both

cases visibility of the respective buttons is dependent from the parent button or button commands.

The Appellant teaches that another advantage of the invention is the introduction of button commands that make graphic objects disappear or appear. These graphic objects can also be buttons. The Appellant teaches that this aspect of the invention in interactive graphics is that specially marked graphic objects are encoded within and for a graphic composition, but not displayed automatically or initially on the screen. The Appellant teaches that marking of the graphic objects consists of a masking flag (`masked_button_flag`), listed in Tab.5 and that masked graphic objects can be rendered into the screen upon user interface commands, usually RC button commands. Using the exemplarily described simple syntax, the combination of graphic objects indicated for being masked and the corresponding button commands applied for manipulating these graphic objects provides a quite large range of different and powerful applications. Commands for manipulating such masked graphic objects can be e.g. a command for making the graphic object visual (`render_object`), a command for making the graphic object invisible (`erase_object`), a command for re-positioning the graphic object (`move_object`) and a command for changing the colour look-up table (CLUT) of a graphic object or the whole screen (`select_clut`).

The Appellant further teaches that in the embodiment of Tab.5, the graphic object is a graphic button object and when the flag `masked_button_flag` is set, the button described is a masked button and will not be automatically rendered into the screen when the graphic composition is decoded. Depending on the button commands executed when a button of the graphic composition was set to “activated” state, the masked button can be manipulated. The Appellant further teaches that the button commands for a single button as listed in Tab.5 can be extended by various manipulations, for example, making the button visible, making the button invisible, moving button positions and manipulating the button CLUT.

The Appellant then teaches two application examples, a blackjack game application and a moving dinosaur application, which exploit the combination of mask flag and button command of the Appellant’s invention.

Grounds of Rejections to be Reviewed on Appeal

1. Whether the Appellant's claims 1-6, 9 and 11-14 are patentable under 35 U.S.C. § 103(a) over Gordon et al. (2002/0013944, hereinafter "Gordon") in view of Dinallo et al. (5,929,857, hereinafter "Dinallo").

ARGUMENT

I. THE EXAMINER ERRED IN REJECTING CLAIMS 1-6, 9 and 11-14 UNDER 35 U.S.C. § 103 BECAUSE THE CITED REFERENCES FAIL TO TEACH, SUGGEST OR RENDER OBVIOUS AT LEAST A METHOD AND APPARATUS FOR GENERATING AN INTERACTIVE ELECTRONIC MENU ON A DISPLAY, THE MENU COMPRISING MENU BUTTONS, WHEREIN A MENU BUTTON MAY BE IN A DESELECTED, SELECTED OR ACTIVATED STATE, AND THE MENU BEING CODED INTO A MENU DATA SEGMENT INCLUDING "RETRIEVING A DATA SEGMENT HAVING ENCODED THEREIN AT LEAST GRAPHIC DATA FOR A FIRST AND SECOND MENU BUTTON...WHEREIN THE SECOND MENU BUTTON BEING A CHILD OF THE FIRST MENU BUTTON CAN ONLY BE SELECTED WHEN THE FIRST MENU BUTTON IS SELECTED" AND "UPON SELECTION OF THE FIRST MENU BUTTON AND EXECUTION OF SAID BUTTON COMMAND, MODIFYING SAID INTERACTIVE MENU SUCH THAT THE FIRST AND THE SECOND MENU BUTTON ARE DISPLAYED SIMULTANEOUSLY".

A. 35 U.S.C. § 103(a) - Claim 1

The Examiner rejected the Appellant's claim 1 under 35 U.S.C. § 103(a) as being unpatentable over Gordon et al. (2002/0013944, hereinafter "Gordon") in view of Dinallo et al. (5,929,857, hereinafter "Dinallo"). The rejection is respectfully traversed.

In the Final Office Action, the Examiner alleges that regarding claim 1, Gordon discloses a method for generating an interactive electronic menu on a display including all of the aspects of the Appellant's invention and claims except that Gordon fails to explicitly disclose generating the interactive menu on a display, wherein at least the first menu button but not the second menu is displayed; and upon selection of the first menu button and execution of said button command, modifying said interactive menu such that the first and second menu button are displayed simultaneously. As such, the Examiner cites Dinallo for attempting to teach such features of the Appellant's invention, and specifically the Appellant's claim 1. The Appellant respectfully disagrees.

The Appellant agrees with the Examiner's concession that Gordon fails to explicitly disclose generating the interactive menu on a display, wherein at least the first menu button but not the second menu is displayed; and upon selection of the first menu button and execution of said button command, modifying said interactive menu such that the first and second menu button are displayed simultaneously as taught in the Appellant's Specification and as claimed by at least the Appellant's

claim 1. The Appellant further submits, however, that Gordon also fails to teach, suggest or render obvious “retrieving a (single) data segment having encoded therein at least **graphic** data for a first and a second menu button ..., wherein the second menu button being a child of the first menu button can only be selected when the first menu button is selected”. In contrast to the invention of the Appellant, the invention of Gordon teaches hierarchical menus (“category menu” and “title menu”, see 0048). In Gordon, both menus are separate applets, therefore no single data segment is used in Gordon as taught in the Appellant’s Specification and claimed by at least the Appellant’s claim 1.

Further, in Gordon, the title menu is displayed after the selection in the category menu was made. In contrast to Gordon, the invention of the Appellant enables both menu buttons to be visible **simultaneously**, as taught in at least the Appellant’s Figure 2 and claimed by at least the Appellant’s claim 1. This is useful, since the first and second menu buttons are connected by a parent-child relationship. To further clarify this difference in the independent claims, the Appellant’s independent claims read “the second menu button being a child of the first menu button can only be selected while the first menu button is selected”.

The Appellant further submits that the teachings of Dinallo absolutely fail to bridge the substantial gap between the teachings of Gordon and the invention of the Appellant. That is, Dinallo teaches a menu that can be enhanced by additional data that specifies existing menu buttons to be replaced by further (though functionally equivalent) menu buttons. It is assumed that the Examiner refers to a default button and its respective functionally equivalent customized button as the first and second menu buttons. The Appellant submits that, as such, Dinallo may disclose “generating the interactive menu on a display, wherein at least the first menu button but not the second menu button is displayed”, but absolutely fails to teach, suggest or render obvious “upon selection of the first menu button and execution of said button command, modifying said interactive menu such that the first and the second menu button are displayed simultaneously” as taught in the Appellant’s Specification and claimed by at least the Appellant’s independent claim 1.

In the Final Office Action, the Examiner points to Dinallo Figs. 4-7, col. 8, lines 12-67 and col. 9, lines 17-67 for attempting to teach “generating an interactive menu on a display, wherein at least the first menu button but not the second menu button

is displayed and upon selection of the first menu button and execution of said button command, modifying said interactive menu such that the first and second menu button are displayed simultaneously as taught in the Appellant's Specification and as claimed by at least the Appellant's claim 1. The Appellant respectfully disagrees.

More specifically, in Dinallo, the decision as to which menu buttons are rendered visible seems to depend on the additional data from the DVD datastream (col.9, lines 44-47). In Dinallo, a default menu is always generated (col.3, lines 41-45 and col.9, lines 1-22), whether or not there are additional navigation commands in the datastream. If additional navigation commands in the datastream are available, customized buttons are shown and the default menu buttons are "disabled by controlling the color and contrast" (col.10, lines 44-51). Thus, the Appellant submits that it is unclear if, in Dinallo, such buttons are functionally disabled, and it is unclear if "disabled" default buttons are visible or not. While Figs. 6 and 7 of Dinallo may suggest disabled buttons being visible, this would apparently be disturbing to a user. On the other hand, "the default information will always be displayed as part of the graphic user interface" (col.9, lines 36-37). Therefore, the skilled person may not unambiguously derive from Dinallo "modifying said interactive menu such that the first and the second menu button are displayed simultaneously" as taught in the Appellant's Specification and claimed by at least Appellant's independent claim 1.

In addition, the Appellant submits that there is no teaching in Dinallo that the interactive menu is modified upon selection of the first menu button. Though it is mentioned that "other logic may be used to enable or disable the buttons at appropriate times depending on the user action" (col.10, lines 51-52), this refers to the general current playback state or the like. For example, a previously invisible menu may be rendered visible when the user presses a "menu" button on the remote control. This is however not "upon selection of the first menu button", as taught in the Appellant's Specification and claimed by at least the Appellant's independent claim 1, since the first menu button must be one that is retrieved from the data segment and visible on the display. Further, in Dinallo, the second button is not displayed upon execution of said first button's button command, as taught in the Appellant's Specification and claimed by at least Appellant's independent claim 1.

Because Dinallo shows additional menu information (control data, but no image data) relating to a plurality of menu buttons, the Appellant has amended the

Appellant's independent claims 1 and 12 to include "graphic data for a first and a second menu button" (disclosed on page 3, line 18) to more clearly distinguish the invention of the Appellant over the cited prior art. That is, Dinallo uses commands and attributes retrieved from the data segment in order to construct a database query which returns bitmap unit objects from a separate database (col.7, lines 25-27, 38-39 and 59-61). The style of the menu is determined from a database of bitmap images (col.9, lines 48-49). Thus, the invention of Dinallo is more complicated than the invention of the Appellant, since it requires a bitmap database in the player. As such, the invention of the Appellant is advantageous over the invention of Dinallo. Simultaneously the invention of Dinallo is less flexible than the invention of the Appellant, since it relies on predefined database objects.

In addition, the Appellant submits that Dinallo also fails to teach or suggest "retrieving a (single) data segment having encoded therein at least **graphic** data for a first and a second menu button ..., wherein the second menu button being a child of the first menu button can only be selected when the first menu button is selected" as taught and claimed by the Appellant.

Therefore and for at least the reasons recited above, the Applicant submits that Gordon and Dinallo, alone or in any allowable combination, absolutely fail to teach, suggest or render obvious each and every element of the Applicant's claimed invention as claimed in at least the Applicant's claim 1. As such, the Applicant submits that for at least the reasons recited above, the Applicant's claim 1 is not rendered obvious by the teachings of Gordon and Dinallo, alone or in any allowable combination, and, as such, fully satisfies the requirements of 35 U.S.C. § 103 and is patentable thereunder.

B. 35 U.S.C. § 103(a) - Claim 2

Claim 2 depends directly from independent claim 1 and recites further technical features thereof. At least because the teachings of Gordon and Dinallo, alone or in any allowable combination, absolutely fail to teach, suggest or render obvious the invention of the Appellant with regard to at least the Appellant's independent claim 1, the Appellant respectfully submits that dependent claim 2 is also not rendered obvious and is allowable for at least the reasons stated above with respect to independent claim 1. The Appellant further submits that Gordon and

Dinallo, alone or in any allowable combination, also fail to teach, suggest or render obvious the Appellant's claim 1 further limited by "wherein the second menu button is only visible when the first menu button is in the selected state" as recited in claim 2.

That is, and for at least the same reasons provided in Section A above, at least because Gordon and Dinallo, alone or in any allowable combination, fail to teach, suggest or render obvious at least a method and apparatus for generating an interactive electronic menu on a display, the menu comprising menu buttons, wherein a menu button may be in a deselected, selected or activated state, and the menu being coded into a menu data segment including at least "retrieving a data segment having encoded therein at least graphic data for a first and a second menu button and data connecting the first and the second menu button by a parent-child relationship, wherein the second menu button being a child of the first menu button can only be selected while the first menu button is selected and wherein at least one button command is associated to the first menu button and coded into said menu data segment, the button command being usable for modifying a visibility of at least the second menu button" and "upon selection of the first menu button and execution of said button command, modifying said interactive menu such that the first and the second menu button are displayed simultaneously" as taught in the Appellant's Specification and claimed in at least the Appellant's claim 1, the Appellant respectfully submits that Gordon and Dinallo, alone or in any allowable combination, also fail to teach, suggest or render obvious the Appellant's invention as claimed in dependent claim 2, which depends directly from independent claim 1.

Therefore, the Appellant submits that claim 2, as it now stands, fully satisfies the requirements of 35 U.S.C. § 103 and is patentable thereunder.

C. . . 35 U.S.C. § 103(a) - Claim 3

Claim 3 depends directly from independent claim 1 and recites further technical features thereof. At least because the teachings of Gordon and Dinallo, alone or in any allowable combination, absolutely fail to teach, suggest or render obvious the invention of the Appellant with regard to at least the Appellant's independent claim 1, the Appellant respectfully submits that dependent claim 3 is also not rendered obvious and is allowable for at least the reasons stated above with respect to independent claim 1. The Appellant further submits that Gordon and

Dinallo, alone or in any allowable combination, also fail to teach, suggest or render obvious the Appellant's claim 1 further limited by "wherein the second menu button is not selectable" as recited in claim 3.

That is, and for at least the same reasons provided in Section A above, at least because Gordon and Dinallo, alone or in any allowable combination, fail to teach, suggest or render obvious at least a method and apparatus for generating an interactive electronic menu on a display, the menu comprising menu buttons, wherein a menu button may be in a deselected, selected or activated state, and the menu being coded into a menu data segment including at least "retrieving a data segment having encoded therein at least graphic data for a first and a second menu button and data connecting the first and the second menu button by a parent-child relationship, wherein the second menu button being a child of the first menu button can only be selected while the first menu button is selected and wherein at least one button command is associated to the first menu button and coded into said menu data segment, the button command being usable for modifying a visibility of at least the second menu button" and "upon selection of the first menu button and execution of said button command, modifying said interactive menu such that the first and the second menu button are displayed simultaneously" as taught in the Appellant's Specification and claimed in at least the Appellant's claim 1, the Appellant respectfully submits that Gordon and Dinallo, alone or in any allowable combination, also fail to teach, suggest or render obvious the Appellant's invention as claimed in dependent claim 3, which depends directly from independent claim 1.

Therefore, the Appellant submits that claim 3, as it now stands, fully satisfies the requirements of 35 U.S.C. § 103 and is patentable thereunder.

D. 35 U.S.C. § 103(a) - Claim 4

Claim 4 depends directly from independent claim 1 and recites further technical features thereof. At least because the teachings of Gordon and Dinallo, alone or in any allowable combination, absolutely fail to teach, suggest or render obvious the invention of the Appellant with regard to at least the Appellant's independent claim 1, the Appellant respectfully submits that dependent claim 4 is also not rendered obvious and is allowable for at least the reasons stated above with respect to independent claim 1. The Appellant further submits that Gordon and

Dinallo, alone or in any allowable combination, also fail to teach, suggest or render obvious the Appellant's claim 1 further limited by "wherein the menu data segment contains at least for the first and the second menu button neighbour information, the neighbour information defining which other menu button may be selected when said first or second menu button is in the selected state" as recited in claim 4.

That is, and for at least the same reasons provided in Section A above, at least because Gordon and Dinallo, alone or in any allowable combination, fail to teach, suggest or render obvious at least a method and apparatus for generating an interactive electronic menu on a display, the menu comprising menu buttons, wherein a menu button may be in a deselected, selected or activated state, and the menu being coded into a menu data segment including at least "retrieving a data segment having encoded therein at least graphic data for a first and a second menu button and data connecting the first and the second menu button by a parent-child relationship, wherein the second menu button being a child of the first menu button can only be selected while the first menu button is selected and wherein at least one button command is associated to the first menu button and coded into said menu data segment, the button command being usable for modifying a visibility of at least the second menu button" and "upon selection of the first menu button and execution of said button command, modifying said interactive menu such that the first and the second menu button are displayed simultaneously" as taught in the Appellant's Specification and claimed in at least the Appellant's claim 1, the Appellant respectfully submits that Gordon and Dinallo, alone or in any allowable combination, also fail to teach, suggest or render obvious the Appellant's invention as claimed in dependent claim 4, which depends directly from independent claim 1.

Therefore, the Appellant submits that claim 4, as it now stands, fully satisfies the requirements of 35 U.S.C. § 103 and is patentable thereunder.

E. 35 U.S.C. § 103(a) - Claim 5

Claim 5 depends directly from independent claim 1 and recites further technical features thereof. At least because the teachings of Gordon and Dinallo, alone or in any allowable combination, absolutely fail to teach, suggest or render obvious the invention of the Appellant with regard to at least the Appellant's independent claim 1, the Appellant respectfully submits that dependent claim 5 is

also not rendered obvious and is allowable for at least the reasons stated above with respect to independent claim 1. The Appellant further submits that Gordon and Dinallo, alone or in any allowable combination, also fail to teach, suggest or render obvious the Appellant's claim 1 further limited by "wherein the menu relates to the content of a removable storage medium, and the menu data segment is stored on the respective removable storage medium" as recited in claim 5.

That is, and for at least the same reasons provided in Section A above, at least because Gordon and Dinallo, alone or in any allowable combination, fail to teach, suggest or render obvious at least a method and apparatus for generating an interactive electronic menu on a display, the menu comprising menu buttons, wherein a menu button may be in a deselected, selected or activated state, and the menu being coded into a menu data segment including at least "retrieving a data segment having encoded therein at least graphic data for a first and a second menu button and data connecting the first and the second menu button by a parent-child relationship, wherein the second menu button being a child of the first menu button can only be selected while the first menu button is selected and wherein at least one button command is associated to the first menu button and coded into said menu data segment, the button command being usable for modifying a visibility of at least the second menu button" and "upon selection of the first menu button and execution of said button command, modifying said interactive menu such that the first and the second menu button are displayed simultaneously" as taught in the Appellant's Specification and claimed in at least the Appellant's claim 1, the Appellant respectfully submits that Gordon and Dinallo, alone or in any allowable combination, also fail to teach, suggest or render obvious the Appellant's invention as claimed in dependent claim 5, which depends directly from independent claim 1.

Therefore, the Appellant submits that claim 5, as it now stands, fully satisfies the requirements of 35 U.S.C. § 103 and is patentable thereunder.

F. 35 U.S.C. § 103(a) - Claim 6

Claim 6 depends directly from independent claim 1 and recites further technical features thereof. At least because the teachings of Gordon and Dinallo, alone or in any allowable combination, absolutely fail to teach, suggest or render obvious the invention of the Appellant with regard to at least the Appellant's

independent claim 1, the Appellant respectfully submits that dependent claim 6 is also not rendered obvious and is allowable for at least the reasons stated above with respect to independent claim 1. The Appellant further submits that Gordon and Dinallo, alone or in any allowable combination, also fail to teach, suggest or render obvious the Appellant's claim 1 further limited by "wherein graphic data of said other menu data button is also coded into said menu data segment, wherein the visibility also comprises the colour look-up table relating to a menu button" as recited in claim 6.

That is, and for at least the same reasons provided in Section A above, at least because Gordon and Dinallo, alone or in any allowable combination, fail to teach, suggest or render obvious at least a method and apparatus for generating an interactive electronic menu on a display, the menu comprising menu buttons, wherein a menu button may be in a deselected, selected or activated state, and the menu being coded into a menu data segment including at least "retrieving a data segment having encoded therein at least graphic data for a first and a second menu button and data connecting the first and the second menu button by a parent-child relationship, wherein the second menu button being a child of the first menu button can only be selected while the first menu button is selected and wherein at least one button command is associated to the first menu button and coded into said menu data segment, the button command being usable for modifying a visibility of at least the second menu button" and "upon selection of the first menu button and execution of said button command, modifying said interactive menu such that the first and the second menu button are displayed simultaneously" as taught in the Appellant's Specification and claimed in at least the Appellant's claim 1, the Appellant respectfully submits that Gordon and Dinallo, alone or in any allowable combination, also fail to teach, suggest or render obvious the Appellant's invention as claimed in dependent claim 6, which depends directly from independent claim 1.

Therefore, the Appellant submits that claim 6, as it now stands, fully satisfies the requirements of 35 U.S.C. § 103 and is patentable thereunder.

G. 35 U.S.C. § 103(a) - Claim 9

Claim 9 depends directly from independent claim 1 and recites further technical features thereof. At least because the teachings of Gordon and Dinallo,

alone or in any allowable combination, absolutely fail to teach, suggest or render obvious the invention of the Appellant with regard to at least the Appellant's independent claim 1, the Appellant respectfully submits that dependent claim 9 is also not rendered obvious and is allowable for at least the reasons stated above with respect to independent claim 1. The Appellant further submits that Gordon and Dinallo, alone or in any allowable combination, also fail to teach, suggest or render obvious the Appellant's claim 1 further limited by "wherein a third menu button is connected to the second menu button by a parent-child relationship, wherein the third menu button being a child of the second menu button can only be selected when the second menu button is selected, and wherein the first, the second, and the third menu button are coded into the same data segment" as recited in claim 9.

That is, and for at least the same reasons provided in Section A above, at least because Gordon and Dinallo, alone or in any allowable combination, fail to teach, suggest or render obvious at least a method and apparatus for generating an interactive electronic menu on a display, the menu comprising menu buttons, wherein a menu button may be in a deselected, selected or activated state, and the menu being coded into a menu data segment including at least "retrieving a data segment having encoded therein at least graphic data for a first and a second menu button and data connecting the first and the second menu button by a parent-child relationship, wherein the second menu button being a child of the first menu button can only be selected while the first menu button is selected and wherein at least one button command is associated to the first menu button and coded into said menu data segment, the button command being usable for modifying a visibility of at least the second menu button" and "upon selection of the first menu button and execution of said button command, modifying said interactive menu such that the first and the second menu button are displayed simultaneously" as taught in the Appellant's Specification and claimed in at least the Appellant's claim 1, the Appellant respectfully submits that Gordon and Dinallo, alone or in any allowable combination, also fail to teach, suggest or render obvious the Appellant's invention as claimed in dependent claim 9, which depends directly from independent claim 1.

Therefore, the Appellant submits that claim 9, as it now stands, fully satisfies the requirements of 35 U.S.C. § 103 and is patentable thereunder.

H. 35 U.S.C. § 103(a) - Claim 11

Claim 11 depends directly from independent claim 1 and recites further technical features thereof. At least because the teachings of Gordon and Dinallo, alone or in any allowable combination, absolutely fail to teach, suggest or render obvious the invention of the Appellant with regard to at least the Appellant's independent claim 1, the Appellant respectfully submits that dependent claim 11 is also not rendered obvious and is allowable for at least the reasons stated above with respect to independent claim 1. The Appellant further submits that Gordon and Dinallo, alone or in any allowable combination, also fail to teach, suggest or render obvious the Appellant's claim 1 further limited by "wherein the parent-child relationship within the menu data segment is indicated by a unidirectional or bi-directional link or identifier being retrieved from the menu data segment" as recited in claim 11.

That is, and for at least the same reasons provided in Section A above, at least because Gordon and Dinallo, alone or in any allowable combination, fail to teach, suggest or render obvious at least a method and apparatus for generating an interactive electronic menu on a display, the menu comprising menu buttons, wherein a menu button may be in a deselected, selected or activated state, and the menu being coded into a menu data segment including at least "retrieving a data segment having encoded therein at least graphic data for a first and a second menu button and data connecting the first and the second menu button by a parent-child relationship, wherein the second menu button being a child of the first menu button can only be selected while the first menu button is selected and wherein at least one button command is associated to the first menu button and coded into said menu data segment, the button command being usable for modifying a visibility of at least the second menu button" and "upon selection of the first menu button and execution of said button command, modifying said interactive menu such that the first and the second menu button are displayed simultaneously" as taught in the Appellant's Specification and claimed in at least the Appellant's claim 1, the Appellant respectfully submits that Gordon and Dinallo, alone or in any allowable combination, also fail to teach, suggest or render obvious the Appellant's invention as claimed in dependent claim 11, which depends directly from independent claim 1.

Therefore, the Appellant submits that claim 11, as it now stands, fully satisfies the requirements of 35 U.S.C. § 103 and is patentable thereunder.

I. 35 U.S.C. § 103(a) - Claim 12

Claim 12 is an independent claim that recites similar relevant features as recited in the Appellant's independent claim 1. As described in Section A above, at least because Gordon and Dinallo, alone or in any allowable combination, fail to teach, suggest or render obvious at least a method and apparatus for generating an interactive electronic menu on a display, the menu comprising menu buttons, wherein a menu button may be in a deselected, selected or activated state, and the menu being coded into a menu data segment including at least "retrieving a data segment having encoded therein at least graphic data for a first and a second menu button and data connecting the first and the second menu button by a parent-child relationship, wherein the second menu button being a child of the first menu button can only be selected while the first menu button is selected and wherein at least one button command is associated to the first menu button and coded into said menu data segment, the button command being usable for modifying a visibility of at least the second menu button" and "upon selection of the first menu button and execution of said button command, modifying said interactive menu such that the first and the second menu button are displayed simultaneously" as taught in the Appellant's Specification and claimed in at least the Appellant's claim 1 and as similarly claimed in the Appellant's independent claim 12, the Appellant respectfully submits that Gordon and Dinallo, alone or in any allowable combination, also fail to teach, suggest or render obvious the Appellant's invention as claimed in independent claim 12, which recites similar relevant features as recited in independent claim 1.

Therefore, the Appellant submits that claim 12, as it now stands, fully satisfies the requirements of 35 U.S.C. § 103 and is patentable thereunder.

J. 35 U.S.C. § 103(a) - Claim 13

Claim 13 depends directly from independent claim 12 and recites further technical features thereof. At least because the teachings of Gordon and Dinallo, alone or in any allowable combination, absolutely fail to teach, suggest or render obvious the invention of the Appellant with regard to at least the Appellant's

independent claim 12, the Appellant respectfully submits that dependent claim 13 is also not rendered obvious and is allowable for at least the reasons stated above with respect to independent claim 12. The Appellant further submits that Gordon and Dinallo, alone or in any allowable combination, also fail to teach, suggest or render obvious the Appellant's claim 12 further limited by "wherein the second menu button is rendered as a new graphic element on the display, wherein the newly rendered button supersedes and erases all other buttons rendered before on the same display position and wherein the remainder of the display is not re-rendered" as recited in claim 13.

That is, and for at least the same reasons provided in Sections A and I above, at least because Gordon and Dinallo, alone or in any allowable combination, fail to teach, suggest or render obvious at least a method and apparatus for generating an interactive electronic menu on a display, the menu comprising menu buttons, wherein a menu button may be in a deselected, selected or activated state, and the menu being coded into a menu data segment including at least "retrieving a data segment having encoded therein at least graphic data for a first and a second menu button and data connecting the first and the second menu button by a parent-child relationship, wherein the second menu button being a child of the first menu button can only be selected while the first menu button is selected and wherein at least one button command is associated to the first menu button and coded into said menu data segment, the button command being usable for modifying a visibility of at least the second menu button" and "upon selection of the first menu button and execution of said button command, modifying said interactive menu such that the first and the second menu button are displayed simultaneously" as taught in the Appellant's Specification and claimed in at least the Appellant's claim 1 and as similarly claimed in the Appellant's independent claim 12, the Appellant respectfully submits that Gordon and Dinallo, alone or in any allowable combination, also fail to teach, suggest or render obvious the Appellant's invention as claimed in dependent claim 13, which depends directly from independent claim 12.

Therefore, the Appellant submits that claim 13, as it now stands, fully satisfies the requirements of 35 U.S.C. § 103 and is patentable thereunder.

K. 35 U.S.C. § 103(a) - Claim 14

Claim 14 depends directly from independent claim 1 and recites further technical features thereof. At least because the teachings of Gordon and Dinallo, alone or in any allowable combination, absolutely fail to teach, suggest or render obvious the invention of the Appellant with regard to at least the Appellant's independent claim 1, the Appellant respectfully submits that dependent claim 14 is also not rendered obvious and is allowable for at least the reasons stated above with respect to independent claim 1. The Appellant further submits that Gordon and Dinallo, alone or in any allowable combination, also fail to teach, suggest or render obvious the Appellant's claim 1 further limited by "wherein the second menu button is rendered as a new graphic element on the display, wherein the newly rendered button supersedes and erases all other buttons rendered before on the same display position and wherein the remainder of the display is not re-rendered" as recited in claim 14.

That is, and for at least the same reasons provided in Section A above, at least because Gordon and Dinallo, alone or in any allowable combination, fail to teach, suggest or render obvious at least a method and apparatus for generating an interactive electronic menu on a display, the menu comprising menu buttons, wherein a menu button may be in a deselected, selected or activated state, and the menu being coded into a menu data segment including at least "retrieving a data segment having encoded therein at least graphic data for a first and a second menu button and data connecting the first and the second menu button by a parent-child relationship, wherein the second menu button being a child of the first menu button can only be selected while the first menu button is selected and wherein at least one button command is associated to the first menu button and coded into said menu data segment, the button command being usable for modifying a visibility of at least the second menu button" and "upon selection of the first menu button and execution of said button command, modifying said interactive menu such that the first and the second menu button are displayed simultaneously" as taught in the Appellant's Specification and claimed in at least the Appellant's claim 1, the Appellant respectfully submits that Gordon and Dinallo, alone or in any allowable combination, also fail to teach, suggest or render obvious the Appellant's invention as claimed in dependent claim 14, which depends directly from independent claim 1.

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Therefore, the Appellant submits that claim 14, as it now stands, fully satisfies the requirements of 35 U.S.C. § 103 and is patentable thereunder.


Conclusion

Thus, the Appellant submits that none of the claims presently in the application are rendered obvious under the provisions of 35 U.S.C. § 103. Consequently, the Appellant believes all these claims are presently in condition for allowance.

For at least the reasons advanced above, the Appellant respectfully urges that the rejection of claims 1-6, 9 and 11-14 as being rendered obvious under 35 U.S.C. §103 are improper. Reversal of the rejections in this Appeal is respectfully requested.

Respectfully submitted,

23 August 2010
Date



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CLAIMS APPENDIX

1. (Previously Presented) A method for generating an interactive electronic menu on a display, the menu comprising menu buttons, wherein a menu button may be in a deselected, selected or activated state, and the menu being coded into a menu data segment, comprising:
 - a. retrieving a data segment having encoded therein at least graphic data for a first and a second menu button and data connecting the first and the second menu button by a parent-child relationship, wherein the second menu button being a child of the first menu button can only be selected while the first menu button is selected and wherein at least one button command is associated to the first menu button and coded into said menu data segment, the button command being usable for modifying a visibility of at least the second menu button;
 - b. generating the interactive menu on a display, wherein at least the first menu button but not the second menu button is displayed; and
 - c. upon selection of the first menu button and execution of said button command, modifying said interactive menu such that the first and the second menu button are displayed simultaneously.
2. (Previously Presented) Method according to claim 1, wherein the second menu button is only visible when the first menu button is in the selected state.
3. (Previously Presented) Method according to claim 1, wherein the second menu button is not selectable.
4. (Previously Presented) Method according to claim 1, wherein the menu data segment contains at least for the first and the second menu button neighbour information, the neighbour information defining which other menu button may be selected when said first or second menu button is in the selected state.
5. (Previously Presented) Method according to claim 1, wherein the menu relates to the content of a removable storage medium, and the menu data segment is stored

on the respective removable storage medium.

6. (Previously Presented) Method according to claim 1, wherein graphic data of said other menu data button is also coded into said menu data segment, wherein the visibility also comprises the colour look-up table relating to a menu button.

7. (Cancelled)

8. (Cancelled)

9. (Previously Presented) Method according to claim 1, wherein a third menu button is connected to the second menu button by a parent-child relationship, wherein the third menu button being a child of the second menu button can only be selected when the second menu button is selected, and wherein the first, the second, and the third menu button are coded into the same data segment.

10. (Cancelled)

11. (Previously Presented) Method according to claim 1, wherein the parent-child relationship within the menu data segment is indicated by a unidirectional or bi-directional link or identifier being retrieved from the menu data segment.

12. (Previously Presented) Apparatus for generating an interactive electronic menu on a display, the menu comprising menu buttons, wherein a menu button may be in a deselected, selected or activated state, and the menu being coded into a menu data segment, comprising:

- means for retrieving a data segment having encoded therein at least graphic data for a first and a second menu button and data connecting the first and the second menu button by a parent-child relationship, wherein the second menu button being a child of the first menu button can only be selected while the first menu button is selected and wherein at least one button command is associated to the first menu button and coded into said menu data segment, the button command being usable for modifying a visibility of at least the second menu

button;

- means for generating the interactive menu on a display, wherein at least the first menu button but not the second menu button is displayed; and
- means for modifying said interactive menu, upon selection of the first menu button and execution of said button command, such that the first and the second menu button are displayed simultaneously.

13. (Previously Presented) Apparatus according to claim 12, wherein the second menu button is rendered as a new graphic element on the display, wherein the newly rendered button supersedes and erases all other buttons rendered before on the same display position and wherein the remainder of the display is not re-rendered.

14. (Previously Presented) Method according to claim 1, wherein the second menu button is rendered as a new graphic element on the display, wherein the newly rendered button supersedes and erases all other buttons rendered before on the same display position and wherein the remainder of the display is not re-rendered.

EVIDENCE APPENDIX

Appellant asserts that there is no evidence to be submitted in accordance with this section.

RELATED PROCEEDINGS APPENDIX

Appellant asserts that there are no copies of decisions to be submitted in accordance with this section.